

## **COMMISSION MEETING MINUTES**

### **Indiana Fire Prevention and Building Safety Commission**

Government Center South  
402 West Washington Street  
Indianapolis, Indiana 46204  
Conference Center Room B

December 7, 2010

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:06 a.m. on December 7, 2010.

- (a) Commissioners present at the Commission meeting:

Ron Brown  
Michael Christoffersen  
Michael Corey  
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health  
David Hannum, Chairman  
John Hawkins  
Matt Mitchell  
Ted Ogle  
Hattie Sims, representing the Commissioner, Department of Labor

- (b) Commissioners not present at the Commission meeting:

Diana M. H. Brenner

- (c) The following departmental and support staff were present during the meeting:

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services  
Gary Bippus, Administrative Law Judge  
John Haines, Code Specialist  
John Hibner, Code Specialist  
Cecilia Ernstes-Boxell, Code Specialist  
Denise Fitzpatrick, Code Specialist  
Beth Sutor, Secretary

- (d) Deputy Attorney General James Schmidt was present.

2. Old Business.

Chairman Hannum called for any corrections or a motion to approve the minutes of the November 3, 2010 meeting as distributed. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

3. Ordinances

Zionsville Fire Marshal Blake Hayes appeared for the Fire Prevention Ordinance for Zionsville, Indiana. Mara Snyder, Director, Legal and Code Services, explained the issues noted in the ordinance presented last month had been addressed, and she now recommended the Commission approve the ordinance. Commissioner Cundiff moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

4. Variances.

Tabled Variances.

10-11- 12 (a)(b)(c) Riley Jones House, Muncie, was represented by Greg Cross, owner. The building was converted to a law office with 2 occupants during the day. The request is to omit the weekly and monthly visual inspections of the sprinkler system, and the request to leave the sprinkler piping at the side of the room instead of down the center of the historic building rooms as the inspector said it should be per code. Following discussion of monitored systems, alarms, and costs involved, Commissioner Ogle moved to table both variances to allow the proponent time to gather the requested information concerning monitoring costs. Commissioner Cundiff made the second. It was voted upon and carried. Tim Callas, J & T Consulting, withdrew variances 10-11-15 Shields Crossing Building 1 & 2, Seymour, 10-11-16 Shields Crossing II Building 1, 2, 3 Miller Lane Street, Seymour, and 10-11-17 Shields Crossing III Building 1, 2, 3 625 Miller Lane Street, Seymour. He then spoke as a proponent for variance 10-11-14 Millstone Pointe Buildings 1-8 Millstone Pointe Drive, Greencastle. He noted that they would be installing a 13D sprinkler system and leave the fire walls and barriers in place. Commissioner Christoffersen moved to approve, with the second by Commissioner Brown who commended the effort for life safety of the occupants. Mara Snyder asked if they were to install a 13D system to be compliant with the reference in the 2008 Indiana Building Code, which would be to the 2002 edition of NFPA 13D. The proponent confirmed, and it was added as a condition to the variance by the maker and second. It was then voted upon and carried. Commissioner Hawkins abstained.

New Variances.

Chairman Hannum asked for any "A" or "B" variances which the Commissioners wished to have called out. Variance 10-12-4, INTAC-697, Merrillville, was called out by Commissioner Corey. Commissioner Corey moved to approve all other "A" and "B" variances, with the second by Commissioner Mitchell. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 10-12-2(a)(b)(c) Park Place Apartments, Terre Haute
- (2) 10-12-5 Ft. Wayne Courtyard by Marriott, Ft. Wayne
- (3) 10-12-12 Baseball Training Facility, Schererville
- (4) 10-12-15 582 Graham E. Place Windows, Bloomington
- (5) 10-12-19 Summit Ridge, Bloomington
- (6) 10-12-20 North Manchester Aquatics and Fitness, North Manchester
- (7) 10-12-22 Air West Building 9TI-Project THETA, Plainfield
- (8) 10-12-23 Columbus Community Church Addition, Columbus
- (9) 10-12-25(b)(d) 10/01 Food and Drink, Indianapolis
- (10) 10-12-26(b) PNC Center Arts Garden Connector, Indianapolis
- (11) 10-12-29 St. Francis Hospital Interior Renovations, Indianapolis
- (12) 10-12-31(e) Indiana State University College of Business, Terre Haute
- (13) 10-12-32 Capitol Avenue Development Office Building, Indianapolis
- (14) 10-12-37 College Park Condo Window, Bloomington
- (15) 10-12-38 593 E. Graham Place Windows, Bloomington

Variances withdrawn by the proponents prior to the meeting; 10-08-37 Hunter's Chase Condominiums, Evansville, 10-11-54(a)(b)(c)(d)(e)(f)(g) ADM Milling Company, Mt. Vernon, 10-12-1 Porter Ambulatory Surgery Center Phase 2-5 Renovation, Portage, 10-12-16 Michiana Event Center, Howe, and 10-12-33 Center Grove High School Public Safety Radio Project, Greenwood.

The following variances were heard separately:

(16) 10-12-3 God's House, Lafayette

Ed Underwood, pastor, spoke as proponent. The request was to grant the church a continuance on the variance granted last year. Several members of their congregation had lost their employment, reducing the funds available to the church and limiting their search for a new location. Pastor Underwood stated that they were still maintaining all the conditions on the previous variance, and would continue to do so if an extension were granted. Following discussion, Commissioner Ogle moved to approve for one year with the condition that the church maintain monitoring. Commissioner Hawkins made the second. It was voted upon and carried with 2 nay votes.

(17) 10-12-4 INTAC-697, Merrillville

Gene Mierke, Otis Elevator, spoke as proponent. A Gen-2 type elevator was to be installed using noncompliant ropes. The proponent confirmed the ropes would comply with the proposed new Elevator Code, and that specialized inspection tools and training for their use would be provided. Commissioner Corey moved to approve with the second by Commissioner Mitchell. It was voted upon and carried.

(18) 10-12-6 Newtown Farm Service Grain Storage Building, Newtown

Staff explained the basis for the "no variance required" recommendation. Commissioner Hawkins moved that no variance was required. Commissioner Christoffersen made the second. It was voted upon and carried.

(19) 10-12-8 Master Manufacturing Warehouse Tool Room Addition, Evansville

Roger Lehman, R Lehman Consulting, spoke as proponent. The original building was pre-engineered steel with a 1994 addition separated by a concrete block wall between the original building and addition. The wall didn't meet requirements of a fire wall, but did meet fire barrier requirements. The request was to use the two-hour fire barrier in lieu of the required fire wall for the noncombustible building and a new addition. The roof and walls would be protected for ten feet back into the new construction. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. One nay vote was cast.

(20) 10-12-9 Elkhart FOP Lodge #52 Nagy Hall, Elkhart

Scott Garvey, President, spoke as proponent. The 8,500 square foot building had been divided into the lodge area and a rental banquet facility by a two-hour fire wall. To be allowed an occupancy of 300, sprinklers must be installed. The request was to omit the required sprinkler system. They have added two

exterior doors for a total of four exits, and an additional three exits from the lodge side. If alcohol is to be served, the renter must hire an off-duty police officer to monitor the event. The building has only a warming kitchen for caterers to use for events. The local fire and local building officials both support the variance. After discussion, Commissioner Ogle moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried, with one nay vote being cast.

- (21) 10-12-10 Evansville Healthcare Campus New Memory Care Facility, Evansville  
10-12-11 Evansville Healthcare Campus New Skilled Care Facility, Evansville

Tim Edwards, Ramsey Development, spoke as proponent. In error, a horizontal grab bar had been installed instead of the required vertical grab bar in multiple restrooms. The error had been found by Inspector Erica Cooley. The proponent felt the horizontal bars would adequately serve the needs of the users, and wished to omit the vertical bars. Discussion of level of project completion and cost involved was held. Commissioner Cundiff moved to deny both 10-12-10 and 10-12-11. Commissioner Corey made the second. It was voted upon and carried.

- (22) 10-12-13 Meadows Sunoco, Princeton

Larry Meadows, owner, spoke as proponent. Three tanks, located on property owned by Mr. Meadows, were not included in the contract sale of the land to him. The owner of the tanks had not removed the tanks, which had been out of service for over one year, as required by code, and had subsequently dissolved his company. Mr. Meadows said that The Indiana Department of Environmental Management did not hold him responsible for the tanks. The Fire Code holds him responsible for the removal. The request is to allow the tanks to remain as they are until the legal process with the owner of the tanks has been completed or Mr. Meadows can financially undertake the removal of the tanks. After discussion, Commissioner Corey moved to approve for a period of two years. Commissioner Christoffersen made the second. It was voted upon and carried, with one nay vote.

- (23) 10-12-14 Hobo Jungle, Evansville

Roger Lehman, R Lehman Consulting, spoke as proponent. The buildings had been across from the railroad yards for over 50 years, serving railroad workers. The American Pool Association had approached them about putting in pool tables and hosting tournaments. A wall had been knocked out between the bar and the pool area, and seven tables had been installed. They will install 90 minute rated fire doors with magnetic hold-opens connected to the fire alarm in the wall between the pool room and the connector to the exit. The connector between the spaces will have  $\frac{5}{8}$ " Type X drywall installed on the ceiling, and openings to the third section were to be walled off with the same construction as the wall. Following discussion, Commissioner Christoffersen moved to approve if the third section openings were closed, the ceiling in the connector dry-walled, and fire doors installed. Commissioner Hawkins made the second. It was voted upon and carried, with two nay votes.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:30 a.m. He then reconvened the meeting, calling it back to order at 10:46 a.m.

- (24) 10-12-17 P.C.I. IMPCO Indoor Propane Dispensing Unit, Union City

Scott Byrum, P.C.I., spoke as proponent. Rick Collins, Hub City Propane, also attended. P.C.I. had received enough contracts for propane-powered vehicles that an assembly line was needed. To increase the efficiency of production, a fill-station was needed to allow propane to be pumped

into the vehicles to drive them off the line to the testing area. Otherwise, the vehicles would have to be pushed by hand to the filling area outside, then returned to the testing area for final checks. Fume monitors at ground and ceiling levels are to be installed, and an automatic ventilation system tied to the monitors, would activate and also sound an alarm warning employees of fumes. Explosion-proof outlets, lights, and switches are to be used. The fill-station will have schedule 80 pipe running from the exterior storage tank, protected by bollards and locked chain link fencing, to the interior fill-station. Following discussion, Commissioner Ogle moved to approve, with Commissioner Hawkins making the second. It was voted upon and carried, with one nay vote.

- (25) 10-12-18 Hope House Upstairs Bathroom, Ft. Wayne

Staff had given the application a rating of No Variance Required since the second floor of the existing building is not accessible, an accessible toilet is not required. Commissioner Cundiff moved that no variance was required, with the second by Commissioner Ogle. It was voted upon and carried.

- (26) 10-12-21 Major Tool and Machine Inc, Indianapolis

Darren Peterson, Peterson Architecture, spoke as proponent. The building is used in the manufacture of large metal parts. The request is to allow the use of an exterior water curtain supplied by a dry sprinkler system in lieu of the required 4-hour wall. The interior is protected by regular ordinary hazard sprinklers. An adjacent building is also fully sprinklered. Following discussion, Commissioner Cundiff moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

- (27) 10-12-24 Parkview Regional Medical Center, Ft. Wayne

Rodney McCulloh, RTM Consultants, spoke as proponent. He distributed a listing of the locations in which sliding doors, instead of the code-compliant side-hinged doors, would be installed. Commissioner Corey moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (28) 10-12-25(a)(c) 10/01 Food and Drink, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. An existing office building was being converted to a restaurant and bar on the first floor and lower level. A Pilates studio currently occupies the second floor. The request in (a) is to allow the installation of an accessible women's restroom on the main level, and an accessible men's restroom and non-accessible women's restroom on the lower level. The building currently doesn't have accessible restrooms on either floor. The restricted space doesn't allow full compliance. Following discussion, Commissioner Cundiff moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance (c) was a request to allow floors supporting 1-hour fire barriers enclosing stair walls and HVAC shafts to be non-rated. It is heavy timber construction from the 1930's, and the building will be sprinklered. After discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (29) 10-12-26(a) PNC Center Arts Garden Connector, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Code allows only 50% of the exits to be horizontal exits. The request was to allow three of the four exits from the Arts Garden to be horizontal exits. Each exit will be going to a separate, sprinklered building. Following discussion,

a motion to approve was made by Commissioner Cundiff. Commissioner Christoffersen made the second. It was voted upon and carried.

- (30) 10-12-27 USI University Center Expansion, Evansville  
10-12-28 USI Business and Engineering Center, Evansville

Doug Trent, RTM Consultants, was proponent. Staff had determined that no variance was required because the door hardware wasn't an illegal locking device. The violation upon which the variances were based had been issued in error. Commissioner Christoffersen moved that no variance was required for both. Commissioner Hawkins made the second. It was voted upon and carried.

- (31) 10-12-30 Spring and Beach Convenience Store, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. Also attending was Philip Troyer, architect. The request was to be allowed to omit the entry vestibule, and install an air curtain instead. Research results showing the effectiveness of air curtains had been submitted to the Commission. Commissioner Hawkins moved to approve, with the second by Commissioner Cundiff. It was voted upon and carried.

- (32) 10-12-31(a)(b)(c)(d)(f) Indiana State University College of Business, Terre Haute

Ed Rensink, RTM Consultants, spoke as proponent. A score sheet for the conversion of the Federal courthouse into business classrooms had been handed out earlier. Variances (a) and (b) were repeats of earlier variances, these scored under Chapter 34. Variance (a) was to allow existing doors in the enclosed egress stairs to not be 90 minute rated assemblies. Variance (b) was to omit sprinklers in the existing elevator hoistway and machine room. Commissioner Hawkins moved to approve both (a) and (b), with the second by Commissioner Corey. It was voted upon and carried. Variance (c) was to allow historic doors on the third floor and 1 on the first floor to maintain their current door swing. Commissioner Hawkins moved to approve, with the second by Commissioner Cundiff. It was voted upon and carried. Variance (d) was to allow standpipe hose connectors on the third floor to be located in the corridors instead of the stair enclosures. The stairs are finished in historic marble. Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Variance (f) is to allow some areas to have reduced ceiling heights due to bulkheads. The reduced headroom is mostly along walls and not in the walkways. Commissioner Christoffersen moved to approve, with the second by Commissioner Cundiff. It was voted upon and carried.

- (33) 10-12-34 Newport Bay Buildings 1 & 2, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. Fencing had been installed around the perimeter of the complex, including the fire hydrants, with the prior knowledge and permission of the responding township fire service. Permission was revoked when the fire service merged with the Indianapolis Fire Department. The proponent stated that the fencing around the hydrants has quick-release pins in place, allowing access to the hydrants. There are also two private hydrants inside the fencing. Commissioner Mitchell asked that the complex provide signage locating the hydrants and a letter sent to the fire department identifying the pins for removal. Commissioner Cundiff moved to approve based on these conditions, with the second by Commissioner Ogle. It was voted upon and carried with one nay.

- (34) 10-12-35 Newbury Pointe II Apartment Buildings 1-5, 7 & 9, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. The request was to allow the use of a 13D sprinkler system which complies with NFPA 13D, 2002 Edition. A 2-hour fire wall will separate every 2 units and a fire barrier will separate each unit. Following discussion, Commissioner Christoffersen moved to approve with the stated conditions. Commissioner Brown made the second. It was voted upon and carried. Commissioner Hawkins abstained.

- (35) 10-12-36 American Diner, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. A factory-built, 1937 diner will be installed on a few foundation for use as an employee lunch facility. The application had been amended to address requirements in the mobile structures code, citing 675 IAC 15 – 1.3 and 675 IAC 15-1.4. Commissioner Christoffersen moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

6. Approval of City of Indianapolis Variance to Local Ordinance

North of South Variance  
333 South Delaware Street  
Indianapolis-Marion County Fire Prevention Code

Commissioner Corey moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

7. **New Business – General.**

Discussion and Possible Commission Action

Park Place Assisted Living Memory Care  
Administrative Cause No. 10-23  
Condition of CDR  
Nonfinal Order of Dismissal

Section R313 Smoke Detectors  
Administrative Cause No. 10-27  
Interpretation of BLCO  
Nonfinal Order of Dismissal

Gibson County Jail  
Administrative Cause No. 09-43  
Order – Fire and Building Code Enforcement  
Nonfinal Order of Dismissal

Gibson County Community Corrections  
Administrative Cause No. 09-44  
Order – Fire and Building Code Enforcement  
Nonfinal Order of Dismissal

Commissioner Christoffersen moved to affirm the Nonfinal Orders. Commissioner Cundiff made the second. It was voted upon and carried.

Discussion and Commission Action on Petitions for Review (All are timely field unless otherwise noted.)

LIFE Adult Day Academy  
Order – Ft. Wayne Fire Department

Salamonia Community Center  
Order – Fire and Building Code Enforcement

Arlington Green Apartments  
Order – Indianapolis Fire Department

Commissioner Corey moved to grant the petitions for review. Commissioner Cundiff made the second. It was voted upon and carried.

8. Reconsideration of variance 10-09-7 Toyota New Unload Canopy, Columbus – Staff request

Mara Snyder, Director, Legal and Code Services, advised the Commission that information had come to light which shows a variance is required. After discussion, Commissioner Cundiff moved to grant the variance. Commissioner Hawkins made the second. It was voted upon and carried with two nays.

9. Proposed Swimming Pool Code and Fiscal report – Mara Snyder

Mara Snyder, Director, Legal and Code Services, advised the Commission that the previously provided time and location for the Swimming Pool Code Public Hearing were incorrect. The corrected information and location had been provided to each Commissioner at their seats, and copies made available for the public at the back table. She noted also that each Commissioner had been given a copy of the proposed rule as it appeared in the Register, along with copies of the required fiscal impact information.

10. NFPA update proposal – John Hibner

John Hibner, Code Specialist, provided the Commission with a summary of the responses to his request for input, posted on the web site, concerning the update of NFPA Standards. Staff recommendations to repeal NFPA 37, 50, 50B, 51, 61B, 385, and 386 were listed.

11. Summary of Energy Conservation Code meeting

Mara Snyder, Director, Legal and Code Services, advised the Commission that some progress addressing issues raised in the Allen and Huntington counties and the City of Ft. Wayne, and City of Huntington letters had been made. She noted that Scott Perez, Building Law and Compliance Officer, would be nonrule policy document interpretations in the Indiana Register, as described in the memo provided to the Commission.

11. Indiana Residential Code Committee – Michael Christoffersen



Commissioner Christoffersen stated that the fiscal impact had been done, and that the State Budget Agency thought the cost would be too great. They agreed that Chapter 11, with amendments could be adopted and agreed to consider amendments that don't fiscally impact the state, could be considered.

12. LSA Document #10-251 – Mara Snyder

Mara Snyder, Director, Legal and Code Services, announced that the “clean-up” rule, LSA Document #10-251, would become effective December 24, 2010.

13. **Adjournment.**

Calling for further business and hearing none, Chairman Hannum adjourned the meeting at 12:06 p.m.

APPROVED \_\_\_\_\_  
David Hannum, Chairman